

## SENATE BILL No. 434

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-8-35.

**Synopsis:** Right-of-way for certain stationary vehicles. Specifies that the operator of a motor vehicle approaching a stationary emergency vehicle, recovery vehicle, or highway maintenance vehicle shall do one of the following: (1) Proceed with caution and yield the right-of-way by making a lane change. (2) If the operator believes changing lanes would be impossible or unsafe, proceed with caution in the same lane and reduce speed.

**Effective:** July 1, 2005.

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**Hume, Meeks**

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January 13, 2005, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 434

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 9-21-8-35 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 35. (a) Upon the  
3       immediate approach of an authorized emergency vehicle, when the  
4       person who drives the authorized emergency vehicle is giving **an**  
5       audible signal by siren or displaying alternately flashing red, red and  
6       white, or red and blue lights, ~~a person who drives the operator of~~  
7       another **motor** vehicle shall do the following unless otherwise directed  
8       by a law enforcement officer:  
9       (1) Yield the right-of-way.  
10       (2) Immediately drive to a position parallel to and as close as  
11       possible to the right-hand edge or curb of the highway clear of any  
12       intersection.  
13       (3) Stop and remain in the position until the authorized  
14       emergency vehicle has passed.  
15       (b) Upon approaching a stationary authorized emergency vehicle,  
16       when the authorized emergency vehicle is giving a signal by displaying  
17       alternately flashing red, red and white, or red and blue lights, ~~a person~~

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~~who drives the operator of~~ an approaching vehicle shall **do one (1) of the following:**

(1) ~~proceeding~~ **Proceed** with due caution **and** yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle. ~~or~~

(2) ~~proceeding~~ **If the operator believes that changing lanes as described in subdivision (1) would be impossible or unsafe, proceed** with due caution **in the same lane and** reduce the speed of the vehicle, maintaining a safe speed for road conditions. ~~if changing lanes would be impossible or unsafe.~~

(c) Upon approaching a stationary recovery vehicle or a stationary highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, ~~a person who drives the operator of~~ an approaching **motor** vehicle shall **do one (1) of the following:**

(1) ~~proceeding~~ **Proceed** with due caution **and** yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle.

~~or~~

(2) ~~proceeding~~ **If the operator believes that changing lanes as described in subdivision (1) would be impossible or unsafe, proceed** with due caution **in the same lane and** reduce the speed of the vehicle, maintaining a safe speed for road conditions. ~~if changing lanes would be impossible or unsafe.~~

(d) This section does not ~~operate to~~ relieve the ~~person who drives operator of~~ an authorized emergency vehicle, a recovery vehicle, or a highway maintenance vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

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